

ORDINANCE NO. 0-98- 14

AN ORDINANCE AMENDING THE CONWAY LAND DEVELOPMENT CODE, SUBDIVISION ORDINANCE, ARTICLE 1-3, JURISDICTION, AND ARTICLE 6-1, ADMINISTRATION; REPEALING OTHER ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Conway's Subdivision Ordinance seeks to assist orderly, efficient and coordinated development within its territorial jurisdiction and to secure equitable handling of all subdivision plans by providing uniform procedures and standards for observance both by subdividers and the Conway Planning Commission; and,

WHEREAS, from time to time, citizens of Conway have purchased lots from subdividers who have not complied with the subdivision ordinance, thus causing some citizens to be denied a building permit for their property, denied final inspection of their house or improvements or denied utility services pursuant to the requirements of the subdivision ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

Section 1: That the Conway Land Development Code, Subdivision Ordinance, Article 1-3, Jurisdiction, is hereby amended by adding the following:

"When, in the opinion of the Planning Department staff, a violation of the subdivision ordinance exists, and a subdivider who has not complied with the requirements and procedures set forth

herein attempts to proceed with construction work, or attempts to convey title to any lot or lots before obtaining Final Plat Approval, or otherwise is in substantial violation of the ordinance, the Planning Department shall, within thirty (30) days of becoming aware of a possible violation, issue a written order to the alleged violator. Said written order shall be by certified mail, restricted delivery, and shall set out the specific violations alleged. Notification to the Mayor and City Attorney of the issuance of the written order shall be given. If the alleged violator, within fifteen (15) days of receipt of said order, does not cease and desist from activities not in conformance with this ordinance, the Planning Department shall, within sixty (60) days, transmit to the City Attorney an affidavit setting out the nature of the violation. The City Attorney shall take appropriate measures to enforce the ordinance, including but not limited to, seeking injunctive relief from a court of competent jurisdiction."

Section 2: That Article 6-1, Administration, is hereby amended by adding .8, which shall read as follows:

"Notwithstanding the above provisions, nothing herein shall prevent a citizen of Conway, other than a subdivider in violation of this ordinance, from obtaining a building permit, final inspection, utility service or any other administrative service or remedy, upon the following conditions:

1. Where the lot for which the administrative permit or service sought lies within a subdivision which fails to conform with the requirements of this ordinance and such nonconformity was known to the Planning Commission Staff and no action to enforce the requirements of this ordinance was initiated by requesting an injunction in a court of competent jurisdiction within six (6) months of acquiring knowledge of the alleged violations or nonconformity; or,

2. Where the lot for which the administrative permit or services sought lies within a subdivision which was located in the territorial jurisdiction, but outside the city limits at the time of filing and which was filed with the Planning Department and reviewed by the Planning Commission, yet did not receive final plat approval within one (1) year after review by the Planning Commission and where all such actions and one (1) year waiting period after review took place prior to the adoption date of this ordinance.

Section 3: The issuance of any building permit does not constitute acceptance of or intent by the city to accept any streets providing access to the lot on which the permit is issued.

Section 4: That any ordinance which conflicts with this ordinance is hereby repealed to the extent of the conflict.

Section 5: That it is ascertained and declared that it is necessary for the public peace and welfare of the citizens of the City of Conway, Arkansas, an emergency is hereby declared to exist and this ordinance shall take effect and be in force from and after its passage and publication.

PASSED this 27th day of January, 1998

APPROVED:
[Signature]
MAYOR

ATTEST:
[Signature]
CITY CLERK